

**YOUR REF:** (28-2014).DSC02062014  
**OUR REF:** ROL 5513/2013 (425964)

8 August 2014

Port Douglas Master Fishermen's Association Inc  
C/- RECS Consulting Engineers & Building Designers  
PO Box 894  
**PORT DOUGLAS QLD 4877**

Attention: Mr Peter Dutailis

Dear Sir

**DECISION NOTICE UNDER S 335 SUSTAINABLE PLANNING  
ACT 2009: DEVELOPMENT APPLICATION FOR  
DICKSON INLET, PORT DOUGLAS**

With reference to the abovementioned application to Reconfigure a Lot (1 Lot into 2 Lots) and create an access easement to a road, which was determined by Council at the Ordinary Meeting held on 5 August 2014, please find attached the relevant Decision Notice.

The Notice includes extracts from the Act with respect to making representations about conditions, negotiated decisions, suspension of the appeal period, and lodging an Appeal.

This Notice also includes an Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009*.

Should you have any enquiries in relation to this Decision Notice, please contact Jenny Elphinstone of Council's Development and Environment Branch on telephone number 07 4099 9482.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

**APPLICANT DETAILS**

Port Douglas Master Fishermen's Association Inc  
C/- RECS Consulting Engineers & Building Designers  
PO Box 894  
PORT DOUGLAS QLD 4877

**ADDRESS**

Dickson Inlet, Port Douglas

**REAL PROPERTY DESCRIPTION**

Lot 1 on SP262338

**PROPOSAL**

Reconfiguring a Lot (1 Lot into 2 Lots) and create an access easement to a road.

**DECISION**

Approved subject to conditions (refer to approval package below).

**DECISION DATE**

5 August 2014

**TYPE**

Reconfiguring a Lot (Development Permit)

**REFERRAL AGENCIES**

<b>For an application involving</b>	<b>Name of referral agency</b>	<b>Advice agency or concurrence agency</b>	<b>Address</b>
Tidal works or development in a coastal management district	Department of State Development, Infrastructure and Planning	Advice or Concurrence	Far North Queensland Regional Office PO Box 2358 CAIRNS QLD 4870

**SUBMISSIONS**

There were no submissions for this application.

**FURTHER DEVELOPMENT PERMITS REQUIRED**

Development Permit for Operational Work

**CODES TO COMPLY WITH FOR SELF-ASSESSABLE DEVELOPMENT**

None

**DOES THE ASSESSMENT MANAGER CONSIDER THE APPLICATION TO BE IN CONFLICT WITH APPLICABLE CODES, PLANNING SCHEME, STATE PLANNING POLICIES OR PRIORITY INFRASTRUCTURE PLAN (IF YES, INCLUDE STATEMENT OF REASONS)**

Not in conflict

**APPROVED DRAWING(S) AND/OR DOCUMENT(S)**

The term 'approved drawing(s) and/or document(s)' or other similar expression means:

Drawing or Document	Reference	Date
Plan of Proposed Lots and Easements	Charles O'Neill Pty Ltd drawing 6978MAR-04A sheet 2 of 2 dated 28 November 2013 as amended by RECS Pty Ltd 2 June 2014.	2 June 2014

**ASSESSMENT MANAGER CONDITIONS**

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
  - a. The specifications, facts and circumstances as set out in the application submitted to Council;
  - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

**Timing of Effect**

2. The conditions of the Development Permit must be effected prior to the issue of a Compliance Certificate for the Plan of Survey, except where specified otherwise in these conditions of approval.
3. Prior to the issue of a Compliance Certificate for the Plan of Survey the use of the land must comply with the Planning Scheme or any approval issued by the Chief Executive Officer over the land.

**Water Supply and Sewerage Works Internal**

4. Undertake the following water supply and sewerage works internal to the subject land:
  - a. Provide a single internal sewer connection to each lot in accordance with the FNQROC Development Manual;

All the above works must be designed and constructed in accordance with the FNQROC Development Manual.

All works must be carried out in accordance with the approved plans, to the requirements and satisfaction of the Chief Executive Officer prior to the issue of a Compliance Certificate for the Plan of Survey.

## Lawful Point of Discharge

5. All stormwater from the property must be directed to a lawful point of discharge such that it does not adversely affect surrounding properties or properties downstream from the development to the requirements and satisfaction of the Chief Executive Officer.

## Electricity and Telecommunications

6. Written evidence of negotiations with Ergon Energy and the telecommunication authority must be submitted to Council stating that both an underground electricity supply and telecommunications service will be provided to the development prior to the issue of a Compliance Certificate for the Plan of Survey.

## CONCURRENCE AGENCY CONDITIONS & REQUIREMENTS

Concurrence Agency	Concurrence Agency Reference	Date	Council Electronic Reference
Department of State Development Infrastructure and Planning	SDA-0614-011076	30 July 2014	D# 425275

Refer to Appendix 3: Concurrence Agency Requirements. (Please note that these conditions / requirements may be superseded by subsequent negotiations with the relevant referral agencies).

## ADVICE

1. This approval, granted under the provisions of the *Sustainable Planning Act 2009*, shall lapse four (4) years from the day the approval takes effect in accordance with the provisions of sections 339 and 341 of the *Sustainable Planning Act 2009*.
2. All building site managers must take all action necessary to ensure building materials and/or machinery on construction sites are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of works.
3. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
4. For information relating to the *Sustainable Planning Act 2009*, log on to [www.dsdip.qld.gov.au](http://www.dsdip.qld.gov.au). To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to [www.douglas.qld.gov.au](http://www.douglas.qld.gov.au).
5. A charge levied for the supply of trunk infrastructure is payable to Council towards the provision of trunk infrastructure in accordance with the Adopted Infrastructure Charges Notice, a copy of which is attached for reference purposes only. The original Adopted Infrastructure Charges Notice will be provided under cover of a separate letter.

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

Please note that this Decision Notice and the Adopted Infrastructure Charges Notice are stand-alone documents. The *Sustainable Planning Act 2009* confers rights to make representations and appeal in relation to a Decision Notice and an Adopted Infrastructure Charges Notice separately.

The amount in the Adopted Infrastructure Charges Notice is subject to index adjustments and may be different at the time of payment. Please contact the Development Assessment team at Council for review of the charge amount prior to payment.

The time when payment is due is contained in the Adopted Infrastructure Charges Notice.

6. *The Commonwealth Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance.

Further information on the EPBC Act can be obtained from the Department of Sustainability, Environment, Water, Population and Communities' website [www.environment.gov.au/epbc](http://www.environment.gov.au/epbc) EPBC Act Policy Statement 1.1 Significant Impact Guidelines Matters of National Environmental Significance (Oct 2009).

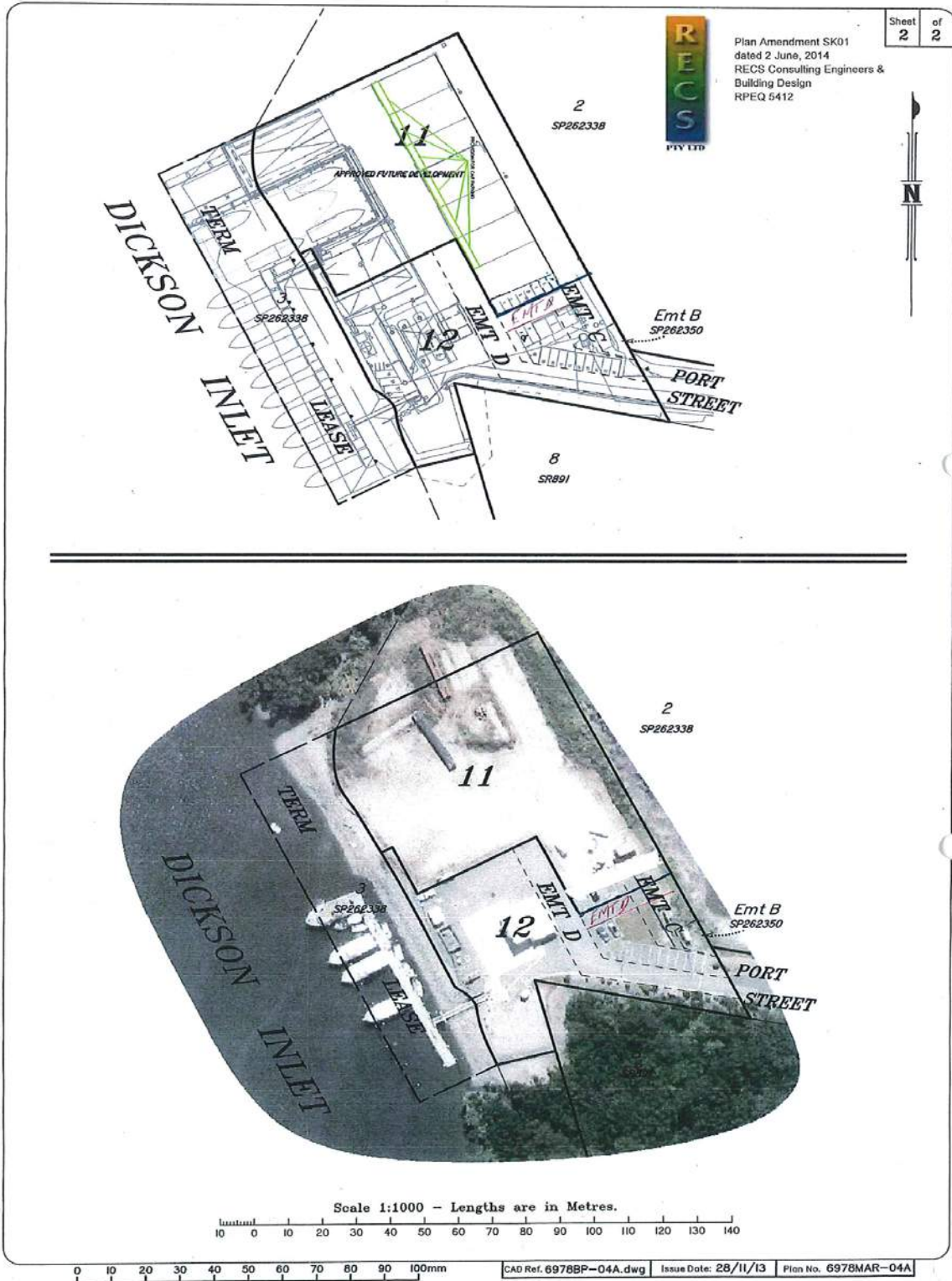
## **RIGHTS OF APPEAL**

Attached

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## **End of Decision Notice**

**APPENDIX 1: APPROVED PLANS**



## APPENDIX 2: CONCURRENCE AGENCY DECISION

SDA-0614-011076



Department of  
**State Development,  
Infrastructure and Planning**

Our reference: SDA-0614-011076  
Your reference: 41.2013.5513 (1231)  
30 July 2014

Ms Linda Cardew  
Chief Executive Officer  
Douglas Shire Council  
PO Box 723  
Mossman QLD 4873  
enquiries@douglas.qld.gov.au

Attention: Jenny Elphinstone

Dear Ms Cardew

### **Amended Concurrence agency response—with conditions**

Reconfiguring a Lot (1 Lot into 2 Lots) and Create an Access Easement to a Road – Port Street, Port Douglas - 1 SP262338  
(Given under section 285 of the *Sustainable Planning Act 2009*)

The Department of State Development Infrastructure and Planning issued a concurrence agency response under section 285 of the *Sustainable Planning Act 2009* on 15 July 2014. On 25 July 2014 the department received representations from the applicant under section 320(1) of the *Sustainable Planning Act 2009* requesting that the department amend its concurrence agency response under section 290(1)(b)(i) of the *Sustainable Planning Act 2009*.

The department has considered the written representations and agrees to issue an amended concurrence agency response.

The referral agency material for the development application described below was received by the Department of State Development, Infrastructure and Planning on 12 June 2014 and properly referred on 16 June 2014 under section 272 of the *Sustainable Planning Act 2009*.

### **Applicant details**

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Applicant name: Port Douglas Master Fishermans Association Inc  
 Applicant contact details: P O Box 894  
 Port Douglas QLD 4877

#### Site details

Street address: Port St, Port Douglas  
 Real property description: 1 SP262338  
 Local government area: Douglas Shire Council

#### Application details

Proposed development: Development Permit for Reconfiguring a Lot (1 Lot into 2 Lots) and Create an Access Easement to a Road

#### Referral triggers

The development application was referred to the department under the following provisions of the *Sustainable Planning Regulation 2009*:

Referral trigger Schedule 7, Table 2, Item 14 – Tidal works, or development in a coastal management district

#### Conditions

Under section 287(1)(a) of the *Sustainable Planning Act 2009*, the department requires that the conditions set out in Attachment 1 attach to any development approval.

#### Reasons for decision to impose conditions

Under section 289(1) of the *Sustainable Planning Act 2009*, the department is required to set out the reasons for the decision to impose conditions. These reasons are set out in Attachment 2.

#### Further advice

Under section 287(6) of the *Sustainable Planning Act 2009*, the department offers advice about the application to the assessment manager—see Attachment 3.

#### Approved plans and specifications

The department requires that the following plans and specifications set out below attach to any development approval.

Drawing or document	Reference no.	Version	Date
Plan of Proposed Lots 11, 12 & Emt C & D in Lot 12 (as amended in red on sheet 2)	Plan No. 6978MAR-04A Sheet 2	04A	28/11/13 and amended on 02/06/2014

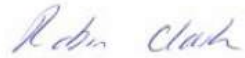
A copy of this response has been sent to the applicant for their information.

Please be advised that the applicant has provided written agreement to this amended concurrence agency response, as attached.



If you require any further information, please contact Tony Croke, Principal Planning Officer, on 4037 3205, or via email [tony.croke@dsdip.qld.gov.au](mailto:tony.croke@dsdip.qld.gov.au) who will be pleased to assist.

Yours sincerely



Robin Clark  
Manager (Planning)

cc: Port Douglas Master Fishermans Association Inc, c/- peter@recs.net.au  
enc: Attachment 1—Conditions to be imposed  
Attachment 2—Reasons for decision to impose conditions  
Attachment 3—Further advice  
Attachment 4 – Approved plans and specifications  
Attachment 5 - Applicant written agreement to amended concurrence agency response

Our reference: SDA-0614-011076  
 Your reference: 41.2013.5513 (1231)

**Attachment 1—Conditions to be imposed**

No.	Conditions	Condition timing
Reconfiguring a lot situated completely or partly within a coastal management district		
Development in a Coastal Management District —Pursuant to section 255D of the <i>Sustainable Planning Act 2009</i> , the chief executive administering the <i>Sustainable Planning Act 2009</i> nominates the Director-General of Environment and Heritage Protection to be the assessing authority for the development to which this development approval relates for the administration and enforcement of any matter relating to the following condition(s):		
1.	Provide to the Environmental Services and Regulation section of the Department of Environment and Heritage Protection the final title plan lodged and approved by the registrar of titles.	Within one month of approval of title plan by the registrar of titles

Our reference: SDA-0614-011076  
 Your reference: 41.2013.5513 (1231)

## **Attachment 2—Reasons for decision to impose conditions**

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The reasons for this decision are:

- to ensure that the development achieves the performance outcomes within the SDAP, Module 10, and other policies and processes identified in the “evidence or other material on which the findings were based”.

### ***Findings on material questions of fact***

- The application seeks only to realign the reconfiguration to enable potential further coastal dependant development in the form of marine facilities.
- The provision of conditions ensures that suitable coastal and environmental outcomes are reached.

### ***Evidence or other material on which the findings were based***

- The material provided by the applicant with the development application.
- *Sustainable Planning Act 2009 and Sustainable Planning Regulation 2009.*
- *Coastal Protection and Management Act 1995, Coastal Protection and Management Regulation 2003.*
- State Development Assessment Provisions, Module 10 version 1.3, dated 9 May 2014, in particular Module 10: Coastal protection
- Department of Environment and Heritage Protection coastal development guidelines <http://www.ehp.qld.gov.au/coastal/development/guidelines.html>
- Department of Environment and Heritage Protection coastal development policy documents [http://www.ehp.qld.gov.au/coastal/development/operational\\_policies.html](http://www.ehp.qld.gov.au/coastal/development/operational_policies.html)
- Department of Environment and Heritage Protection coastal development information sheets [http://www.ehp.qld.gov.au/coastal/development/information\\_sheets.html](http://www.ehp.qld.gov.au/coastal/development/information_sheets.html)
- Queensland Coastal Plan Maps and Erosion prone area maps – Douglas Shire Local Government Area, Plan No DOS2A.

Our reference: SDA-0514-010383  
Your reference: DA3254

**Attachment 3—Further advice**

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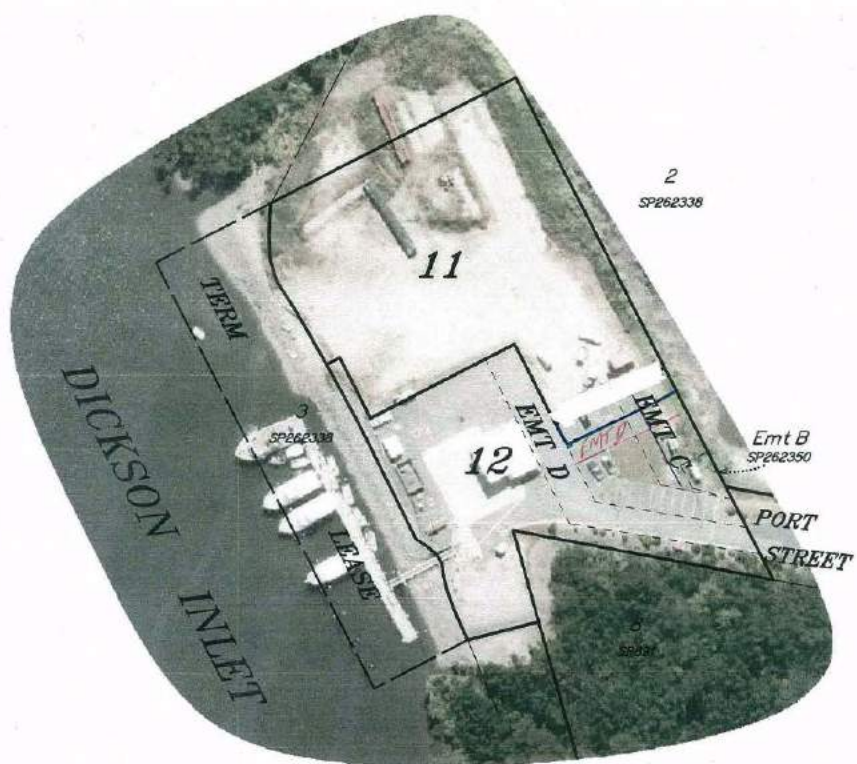
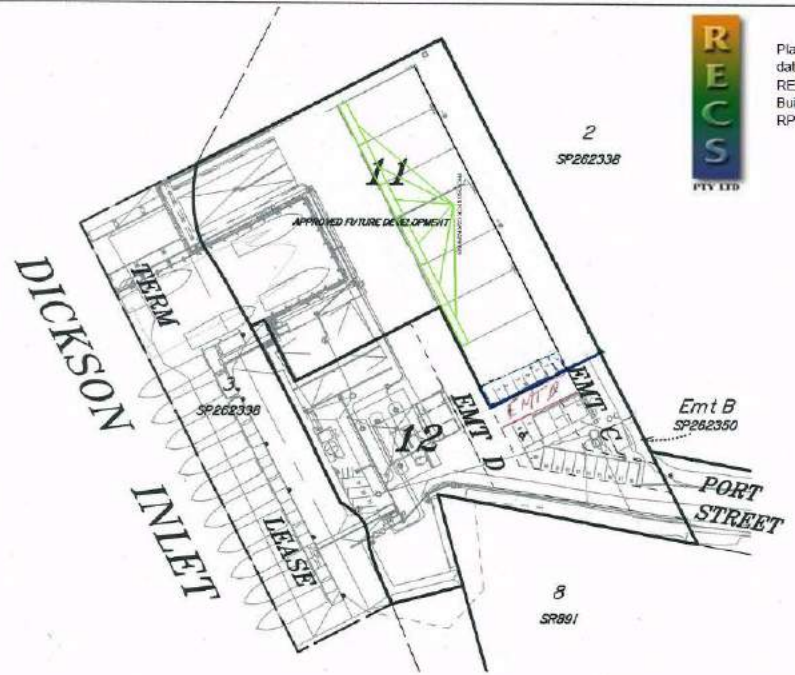
<b>State Planning Policy 2013 – interim development assessment provisions</b>	
1.	Douglas Shire Council, in its role as Assessment Manager, must assess the part of the application against the State Planning Policy December 2013, in particular the interim development assessment provisions such as Biodiversity, Coastal environment and Natural hazards (Coastal), and to the extent it is relevant to the proposed development.

Our reference: SDA-0514-010383  
Your reference: DA3254

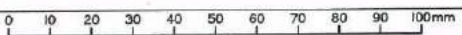
**Attachment 4—Approved plans and specifications**

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Plan Amendment SK01  
dated 2 June, 2014  
RECS Consulting Engineers &  
Building Design  
RPEQ 5412



Scale 1:1000 - Lengths are in Metres.



Our reference: SDA-0514-010383  
Your reference: DA3254

**Attachment 5—Applicant written agreement to amended concurrence agency response**


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**APPLICANT WRITTEN AGREEMENT**

**Amended Concurrence Agency Response**

DSDIP Reference: SDA-0614-011076  
Douglas Shire Council reference: 41.2013.5513 (1231)

I/we, as the agent and consulting engineer for the development application for a Development Permit for reconfiguring a lot (1 lot into 2 lots) (Council reference 41.2013.5513 (1231)), give written agreement to the Chief Executive of the Department of State Development, Infrastructure and Planning to give an amended concurrence agency response under section 290 of the *Sustainable Planning Act 2009*.

Signed:   
\_\_\_\_\_  
(Director, RECS Consulting Engineers)

Date: 28 July, 2014  
\_\_\_\_\_



### APPENDIX 3: ADOPTED INFRASTRUCTURE CHARGES



### 2006 & 2008 Douglas Shire Planning Schemes Applications

### INFRASTRUCTURE CHARGES NOTICE

Port Douglas Master Fisherman's Association		NA	0
DEVELOPERS NAME		ESTATE NAME	STAGE
Port Street	Port Douglas	L1 SP262338	8508
STREET No. & NAME		SUBURB	LOT & RP No.s
ROL	41.2012.4894	30-Jun-14	2
DEVELOPMENT TYPE		COUNCIL FILE NO.	QUARTER ENDING
425313	1	This logsheet is indexed appropriately only for payments made within the quarter noted above.	
DSC Reference Doc . No.		VERSION No.	

	DIST	\$ / EDC	NET EDC	ADJUSTMENT	AMOUNT DUE	AMOUNT PAID	Receipt Code
<b>WATER</b>							
Existing	11	6,679.03	X 5.87	0.00	\$39,205.92		861
Proposed	11	660.57	X 5.87	0.00	\$3,877.56		875
Port Douglas	<b>Water sub - total</b>				<b>\$43,083.48</b>		
<b>SEWERAGE</b>							
Existing	2	3,577.22	X 5.87	0.00	\$20,998.29		882
Proposed	2	535.47	X 5.87	0.00	\$3,143.22		888
Pt D Town Arc	<b>Sewerage sub - total</b>				<b>\$24,141.51</b>		
<b>OPEN SPACE</b>							
DSC Area					\$0.00		894
<b>Off-Site Car Parking</b>							
None					\$0.00		
<b>TOTAL</b>					<b>\$67,224.99</b>		

Prepared by	J Elphinstone	on	30-Jul-14	Amount Paid	
Checked by		on		Date Paid	
Date Payable					
Amendments	Date				
				Cashier	

**Note:**

The Infrastructure Charges in this Notice are payable in accordance with Section 629 of the *Sustainable Planning Act 2009*.

Charge rates are subject to index adjustments. The total charge amount indicated on this notice is current at the date of issue, the total charge due at the date of payment may change. Please contact the Development & Environment Douglas Shire Council prior to payment for review.

Charges are payable to: Douglas Shire Council. You can make payment at any of Council's Business Offices or by mail with your cheque or money order to Douglas Shire Council, PO Box 723, Mossman QLD 4873. Cheques must be made payable to Douglas Shire Council and marked 'Not Negotiable.' Acceptance of a cheque is subject to collection of the proceeds. Post dated cheques will not be accepted

Any enquiries regarding Infrastructure Charges can be directed to the Development & Environment, Douglas Shire Council on 07 4099 9444 or by email on enquiries@douglas.qld.gov.au

**YOUR REF:** (28-2014).DSC02062014  
**OUR REF:** ROL 5513/2013 (425964)

8 August 2014

Port Douglas Master Fishermen's Association Inc  
C/- RECS Consulting Engineers & Building Designers  
PO Box 894  
**PORT DOUGLAS QLD 4877**

Dear Sir/Madam

**ADOPTED INFRASTRUCTURE CHARGES NOTICE FOR  
DICKSON INLET, PORT DOUGLAS**

Please find attached an Adopted Infrastructure Charges Notice issued in accordance with section 648F of the *Sustainable Planning Act 2009* (the Act).

The amount in the Adopted Infrastructure Charges Notice has been calculated according to Council's Adopted Infrastructure Charges Resolution.

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These charges are payable prior to the issue of a Compliance Certificate for the Plan of Subdivision.

Please also find attached extracts from the Act regarding the following:

- your right to make representations to Council about the Adopted Infrastructure Charges Notice; and
- your Appeal rights with respect to the Adopted Infrastructure Charges Notice.

Should you have any enquiries in relation to this Adopted Infrastructure Charges Notice, please contact Jenny Elphinstone of Council's Development and Environment Branch on telephone number 07 4099 9482.

Yours faithfully

Donna Graham  
Manager Development & Environment

Att

# INFRASTRUCTURE CHARGES NOTICE



**2006 & 2008 Douglas Shire Planning Schemes Applications**

## INFRASTRUCTURE CHARGES NOTICE

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DEVELOPERS NAME		ESTATE NAME	STAGE
Port Street	Port Douglas	L1 SP262338	8508
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<b>TOTAL</b>						<b>\$67,224.99</b>		

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